

## **DSDS PROGRAM NOTICE**

### **April 2005**

#### **Residential Habilitation Supported Living Reimbursements**

##### **7AAC 43.1046. Residential Habilitation Services**

##### **BACKGROUND**

By regulation, the department will not reimburse for more than 18 hours a day of supported living services (7AAC 43.1046 (b)(3)). Plans of Care (POC) are being submitted to the Division that document the need for 24-hour supervision and/or care of the waiver recipient. Review of the associated Cost Sheet clearly demonstrates this care is to be provided through Supported Living services.

##### **ANALYSIS**

Supported Living is restricted to recipients 18 years of age or older in the recipient's private residence by a caregiver who does not reside in that residence. Regardless of where the caregiver(s) reside(s) in relation to the consumer (including shift staff arrangements or contracted coverage), care in excess of 18 will be reimbursed as Residential Habilitation Services as either Group Home (T2016), Adult Family Habilitation Home (S5140), or Adult Shared Care (S5140 U2) as defined under 7 AAC 43.1046 and licensed under AS 47.33, unless the home, condo or apartment is owned by the recipient; or is leased, rented or sublet by the recipient at fair market rate (as verified by legal contract) from a landlord who is not associated, directly or indirectly, with the provision of any of the recipient's HCB Waiver services. This exclusion includes housing authorities or associations for purposes of redirecting [housing] payments to an entity related to or affiliated with the service provider.

##### **DISCUSSION**

DSDS understands the impact this licensure requirement creates, but does not have the authority to waive this regulation. DSDS will initiate POC review for compliance effective July 1, 2005, after which no POC requesting Supported Living (T2017) in excess of 18 hours a day will be approved.

DSDS will continue to honor all existing POC's with 24 hour supported living services through June 30, 2005. POCs with 24 hour care may be amended after July 1 to reflect the new interpretation above. DPH licensure staff will work closely with DSDS providers to ensure a timely response and process for providers who need to obtain a license to comply with this program notice. After June 30, 2005 supported living service units may not be compressed. Furthermore, DSDS will carefully review a POC that shifts services [hours] in order to create an environment of 24 hour care to avoid compliance with licensure. Recipients who have received 24 hour care prior to July 1, 2005, whose POC is reduced to 18 hours to comply with this program notice must sign or acknowledge the absence of care up to 6 hours a day and their ability to assume risk for lack of services during that time.

##### **CONTACT**

For clarification or further directions regarding this Program Memo, please contact Mr. Pat Sidmore with the DSDS Policy Unit in Juneau, Alaska at (907) 465-3165, or email him at [Pat\\_Sidmore@health.state.ak.us](mailto:Pat_Sidmore@health.state.ak.us)